19 33

Department of Labour

OFFICE Chief Insp. of Fac.

STATION Madras

11.30 am 31.1

Fac. No. 332

A 179/33

Quickly

Dated 30-11-1932

	Date	Initial
Given for copying		
Copied		
Examined	31.1.33	
Signed		
Given for despatch		
Despatched		
Indexed		
To be destroyed on*		

Urgent

A 179

Ref. A.3-196-32.

South Kanara Collector's Office,

Camp: Uppinangady, dated 12th January 33.

From

E. M. Gawne, Esq, I.C.S.,

Collector of South Kanara.

The Secretary to the Board,

Land Revenue & Settlement,

M a d r a s.

S i r,

Suits-(South Kanara)- Mangalore District Munsif's Court--O.S.32/32--Mangalore Casba Bazaar--Blocking up road-way--Compromise proposal.

In B. P. Mis. No. 961, dated 23rd March 1932, the Board sanctioned the defence of the Suit. The written statement was then filed and the suit is now in the trial stage. The Plaintiffs have all along been willing for a compromise. As I was Collector in South Kanara in 1927-28 the facts were within my knowledge and I remembered that I had agreed that when the road running past the house was closed, the owner should be allowed a path to the back door, on the ground that if the land had been assigned privately, a pathway would certainly have been left. If the hospital compound is made to run right up to the house wall the water from the eaves of the shop will fall on the Government land. This might be considered in the Civil Court as giving the Plaintiffs some claim to the strip of land beside the building. I, therefore, consulted the Surgeon-General who is agreeable to the compromise. When the Commissioner of Land Revenue & Settlement (Mr. Souter) came to Mangalore, I showed him the place and he agreed that there could be no harm in allowing the disputed piece of land to the plaintiffs from the point of view of the Hospital. There would be an even chance that the suit might succeed against Government on the ground

that the Plaintiffs could prove their right to an 'easement of necessity'. I, therefore, enclose a copy of the proposed terms of compromise agreed to by the Plaintiffs and the Surveyor General.and request that the Board may be pleased to sanction the compromise.

Proposed terms of compromise between M. Pais & Sons and Government in O.S. 32/52 Mangalore District Munsif's Court.

1. The suit to be withdrawn and each party to pay its own costs.

2. The plaintiffs to construct a wall similar to the wall that the Government have constructed for compound wall to the Hospital. The plaintiffs to make this wall to the satisfaction of the P.W.D. and to leave (1) such drainage vents in the wall (2) as the fall of the land requires.

3. The plaintiffs to surrender the wall when completed to the Government and to have no further rights in or responsibilities for the wall.

4. The Government to allow to the plaintiffs a clear space of 10 feet width between the (3) new wall and the wall of the building up to the present (4) old compound wall of the hospital compound.

5. The Government to sell the space that is left to the plaintiffs at a rate of Rs.1,000/- per acre, subject to the payment of the usual ground rent per annum.

6. The plaintiffs to erect and maintain a suitable gate at the entrance to the land (5) from the mainroad in a line with the existing new wall (5) so as to prevent the public having unauthorised access to the land.

READ AGAIN B. P. No. _____ , dated _____

" " " 193

READ ALSO :—

Register No. _____, From the _____, No. _____, dated _____ 193

" " _____, " " _____, " _____, " _____

" " _____, " " _____, " _____, " _____

Plot. A 179/33 — Q

The Coll. is requested clearly to submit, urgently, a sketch illustrating the ~~General plans referred to by him~~ compromise proposals

Bom 18.1.438. 18733

18/1/33.

To the Coll. of S. Kanara.

Read and file C4 30. 18/1/33

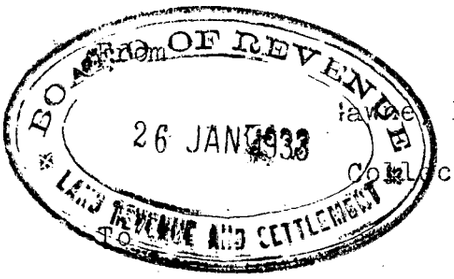
18/1

A321
ent

Ref. A--3--196--32..

South Kanara Collector's Office,

Mangalore, dated 24th January 1933.



From [illegible] Esq, I.C.S.,

Collector of South Kanara.

The Secretary to the Board,

Land Revenue & Settlement,

M a d r a s.

S i r,

Suits--(South Kanara)--Mangalore District Munsif's Court--O.S.No.32/32--Mangalore Casba Bazaar--Blocking up road-way--compromise--proposals.

Board's Reference A. No. 179--33--1 dated 18th Janry. 1933.

I enclose a sketch clearly illustrating the compromise proposals. The whole trouble arose because the old road No.55 (A and B) was closed and the whole was proposed to be added to the hospital compound without leaving any pathway to the back door of the building B.

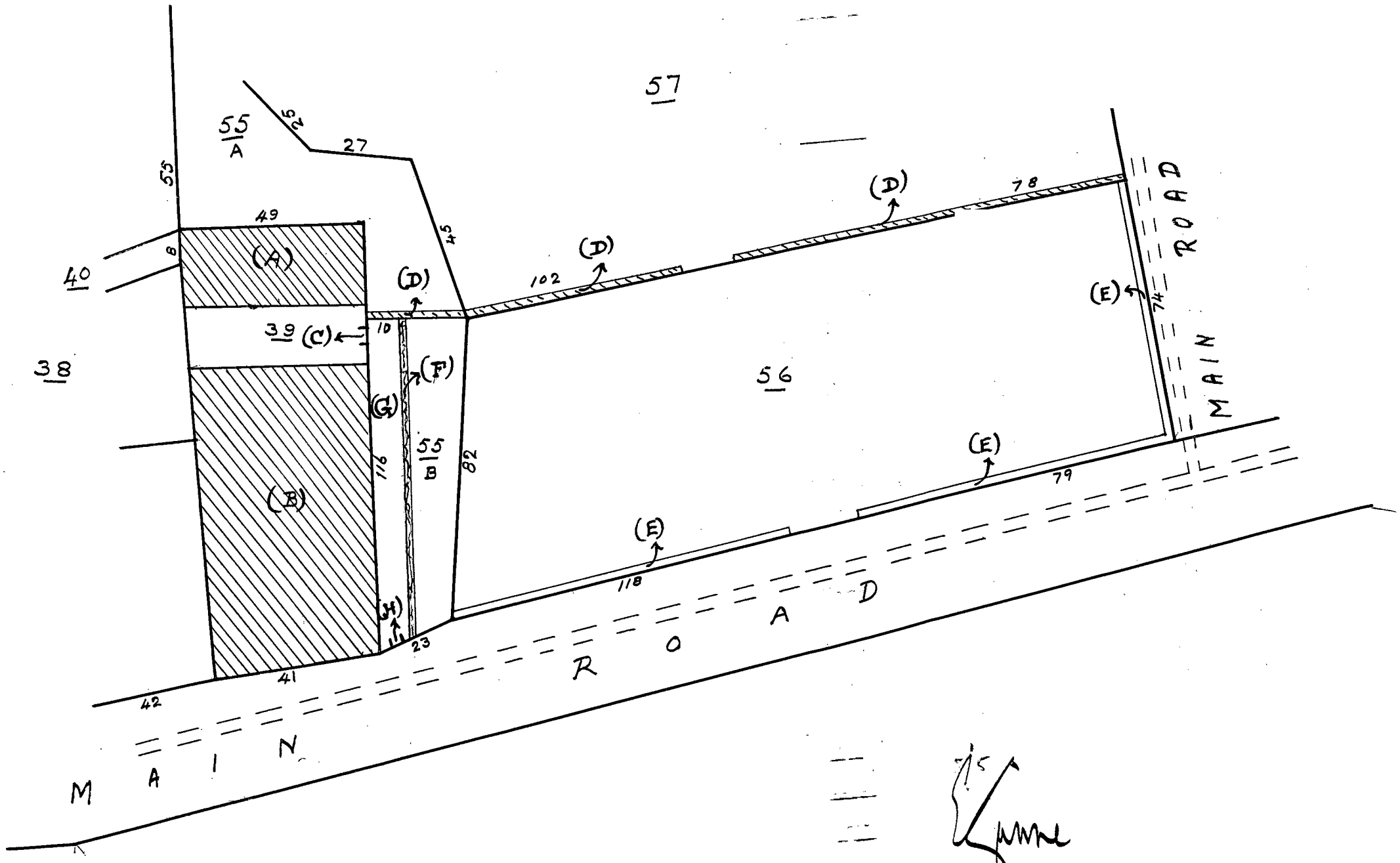
Index to the sketch dated 23-1-1933.

T.S.No.	Description with marks if any.
38	Land belonging to plaintiffs.
39	Land belonging to plaintiffs
	(A) Rented house belonging to plaintiffs.
	(B) Plaintiffs' shop building.
	(C) Wicket-gate leading to the house (A).
40	Poramboke channel.
41	Government waste land now added on to the Hospital Compound.
57	Hospital Compound.
	(D) Old compound wall of the hospital.
55/A	Portion of old poramboke road now added on to the Hospital Compound
	(D) Old compound wall of the Hospital.
56	Site of the old poramboke tank now proposed by the Hospital authorities to be converted into a garden.
	(E) Compound wall newly constructed by the Hospital authorities.
55/B	Portion of old poramboke road now forming the subject matter of the suit.
	(F) Wall proposed to be constructed by plaintiffs and which will be ultimately made over to the Hospital authorities.
	(G) Portion proposed to be sold to the plaintiffs.
	(H) Gate proposed to be opened by plaintiffs.

District: South Kanara

Taluk Mangalore

Village { No. 91 / Name. Casba-Ba



Scale 1 Inch: 33 Feet.

Surveyor

23.1.33

23/1/33

Traced

Koraga Pt

23/1/33

Draftsman

READ AGAIN B. P. No. _____ , dated _____ 193

_____ , ,, _____ 193

READ ALSO :—

Register No. _____, From the _____, No. _____, dated _____ 193

P 1 Ch. A 179/33 —Q

P5 Ch. Bdo Ofce A 179/33.1 Dt 18.1.33 —Q.

,, ,, _____, ,, ,, _____, ,, _____, ,, _____ 193

P 7 Ch A 321/33 —Q

,, ,, _____, ,, ,, _____, ,, _____, ,, _____ 193

RESOLUTION. TW Sc. No. 332 dated 30 1. 193

(M1 & M2)

Note File

Subs (South Kanara) Mangalore Dr

Municipality. GS 32/32. Mangalore bazaar.

Blocking up roadway. Compromise. Proposals.

PP.1. 3 Cf. A 179/33 from the Coll.

P.S Cf. Board's Rpt A 179/33.1 dt 18.1.33

PP7.11 Cf. A 321/33 from the Coll.

Do Asst. Secy

Please see the Coll's letter